

Unified Planning/Zoning Board of Adjustments Meeting
December 3, 2007

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Ms. Aufsesser, Mr. Cassidy, Ms. DeYoung, Mr. Duffy, Mr. Mendes, Mr. Mullaney, and Ms. Rinear. Mr. Shea was late and Mr. Olini was absent. The alternates that were present were: Mr. Gallego and Ms. Malanga.

Mr. Cassidy made a motion to approve the minutes from the November 5, 2007 meeting and Mr. Duffy second. The board voted with all members in favor except Ms. Aufsesser and Mr. Mullaney who abstained.

The first application was Mr. Joe Reid, Block 96, Lot 2.

Mr. Reid of 259 Matawan Ave was sworn in. Mr. White, the board professional, was sworn in. The Class 1 & 3 members recused themselves. The survey was marked for exhibit and the notices were approved. Mr. Reid stated that this is a 2-family house but is listed as a single family and he is trying to establish and prove that since he has owned it, and probably even before that, it was always a 2-family house. This application is for the alternative for lease of a pre-existing, non-conforming, lawful use prior to the adoption of the zoning ordinances. Mr. Reid proved that his electric and gas are billed separately for the 2 sides of the house. There are 2 entrances to the house. His water/sewer bill was marked as exhibit because he pays rates for a 2-family structure. The parking has enough room for 4 cars. He said he purchased the property in 1973 and it was always used as a 2-family house. Mr. Mullaney of 36 Edgemere Drive was sworn in as a witness and stated that he always knew of the house being a 2-family house since as far back as 1964. Board questions-Mr. Gallego asked if it was a 2-family in 1964 and Mr. Mullaney said yes. He knew the owner and who lived there. Mr. Gallego asked Mr. Reid if it was a 2-family when he purchased it and Mr. Reid said yes, up until 2 months ago when this came to his attention through trying to sell the property.

Public questions- Mr. Zhorstowski of 250 Matawan Ave was sworn in and asked if 1 or 2 families lived in the house in 1964 and Mr. Mullaney said 2. Mr. Irene said he read the zoning book and that the zoning ordinances of 1977 must have been when it was adopted.

Mr. Zhorstowski said that this is a neighborhood of single-family houses and he would like to keep it that way. He stated if it changes to 2 family housing then the look of the neighborhood changes. He also stated that parking is limited and is an issue. Mr. Mendes said the board feels the same way about converting 1 family neighborhoods to 2 family. However, this house has always been this way and convert is the key word. If any other residents wanted to do this they would have to come before the board for a use variance. Mr. Zhorstowski said why does he want to do this now and Mr. Cassidy said that the applicant always thought it was a 2-family and only now when he went to sell did he find out differently. Mr. Irene confirmed that now at real estate closings the attorneys usually ask for the confirmation of a lawful structure and that might be why also.

Board questions- Ms. DeYoung asked what the tax bill says and Mr. White stated that it was confusing due to the alphanumeric code. He said the clerk and the assessor both agreed when he asked them for clarification as he was researching this matter.

Mr. Irene stated that whatever happens here tonight, the new owner will get confirmation. He stated that the tax assessor usually taxes as the higher amount so that is not always proof but the proof will be in the documentation. And the new owner will pay as a 2-family structure. Mr. Shea asked who flagged it as a 2-family or single family and Mr. Reid said the real estate agent

questioned it and the buyer wanted confirmation and that is where the confusion first set in. Mr. Shea said that the zoning code is older than 1977 so it must be recorded somewhere. Mr. Irene said they went back to 1964 and it was not an issue. Mr. Shea asked what would take place if this were proven a 2-family. Mr. Irene said that nothing would happen because if the board decides this is a 2-family structure then it is done. Only if the board thinks it is not, does the applicant have to come before the board with an application to make it one. Mr. Mendes made a motion that the property was a lawful use 2-family structure and Ms. Rinear second. The board voted with all eligible members voting in favor.

Resolutions-

Edelman and Penn Resolution-

Mr. Mendes made a motion to approve and Ms. Rinear second. The following roll call was taken: Mr. Cassidy-yes, Ms. DeYoung-yes, Mr. Duffy-yes, Mr. Mendes-yes, Ms. Rinear-yes, Ms. Malanga-yes, and Mr. Gallego-yes.

Other business-

Mr. Cassidy told the board that due to a special mayoral election they would have to cancel the January meeting. They could make the February meeting the reorganization meeting and then have a special meeting the 3rd week of February. Mr. Irene said that he would contact the 226 Associates attorney because that application was put on the February agenda and have it moved to the March meeting with extension of time granted and for the applicant to re-notice. There is also the cell tower application on the March meeting agenda.

Ms. Rinear made a motion to have this approved and Mr. Duffy second. The board voted with all members in favor.

Mr. Cassidy wanted the board to know that they received the following fair and open bids for professionals: Attorney-Mr. Irene, Engineer- Maser Associates, T & M Associates, Planner-Maser Associates, T & M Associates, Beacon Associates.

Mr. Cassidy wanted to thank everyone for all their hard work all year and wished everyone Happy Holidays and a great New Year.

Mr. Duffy made a motion to adjourn and Ms. Rinear second. The board voted with all in favor. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Diane Cannon
Board Secretary